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Attorneys for Defendant Valentino Johnson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | |
|---------------------------|---|
| UNITED STATES OF AMERICA, |) NO. CR 14-00412 TEH |
| |) |
| Plaintiff, |) STIPULATION AND [PROPOSED] ORDER |
| |) REGARDING SEPARATING THE SENTENCING |
| v. |) FROM THE EVIDENTIARY HEARING |
| |) |
| VALENTINO JOHNSON, |) |
| |) |
| Defendant. |) |
| |) |
| |) |
| |) |

The United States and Defendant, VALENTINO JOHNSON, are currently scheduled to appear before the Court on February 29, 2016, at 2:30 p.m. for both evidentiary hearing and sentencing. The parties, by and through their counsel, respectfully request a continuance of the defendant's sentencing to March 28, 2016 at 2:30 p.m., while keeping the evidentiary hearing as scheduled on February 29, 2016. The parties would like an opportunity to brief any enhancement issues from the evidentiary hearing and to incorporate such issues into the parties' sentencing memoranda before the Court issues a sentence.

The government anticipates that it will move to further continue sentencing to await the Supreme

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Court's ruling in *Mathis v. United States*, No. 15-6092, which the government believes will impact the analysis of whether the fifteen-year mandatory minimum under the Armed Career Criminal Act applies in this case. The Defendant would oppose such a continuance. The government will file its motion for a continuance on or before February 8, 2016, to allow that motion to be heard when the parties appear on February 29, 2016. In the meantime, the government agrees to continue the sentencing, for now, to March 28, 2016.

The parties have conferred with United States Probation Officer Insa Bel'Ochi, and she is agreeable to March 28, 2016 at 2:30 p.m.

Counsel for Defendant has also contacted the courtroom deputy for this Court, who has confirmed that the Court will be available March 28, 2016 at 2:30 p.m.

SO STIPULATED.

BRIAN J. STRETCH
Acting United States Attorney

Dated: January 29, 2016

/s/
RITA F. LIN
Assistant United States Attorney

Dated: January 29, 2016

/s/
NIAL E. LYNCH
Attorney for Defendant Valentino Johnson

ATTESTATION

I hereby attest that the concurrence to the filing of this document has been obtained from each of the signature hereto.

/s/
NIAL E. LYNCH

SO ORDERED.

DATED: 02/01/2016


HON. THELTON E. HENDERSON
Senior United States District Judge